



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

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August 18, 2020

VIA E.C.F.

Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

**MEMO ENDORSED**

Re: Gregory Douglas v. City of New York, et al.,  
18-CV-09327 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing the defendants City of New York and New York City Department of Correction Officer Carol Garcia (collectively, “Defendants”) in the above referenced matter. The Defendants write to respectfully request that the Court endorse the parties’ updated Case Management Plan and Scheduling Order, which is attached to their instant application. This is the parties’ first request for an updated Case Management Plan and Scheduling Order.

By way of background, on December 20, 2019, the Defendants filed their answer to the Complaint. (See Dkt. No. 33.) On January 23, 2020, the parties participated in an Initial Conference with the Court. (See Jan. 23, 2020 Dkt. Entry.) On January 24, 2020, the Court issued a Case Management Plan and Scheduling Order, which scheduled multiple discovery deadlines and set discovery to close on June 23, 2020. (See Dkt. No. 41.)

From January 23, 2020 to May 2020, the parties participated in discovery in accordance with the Case Management Plan and Scheduling Order. On May 19, 2020, the Defendants respectfully requested a ninety-day stay of discovery due to the Coronavirus pandemic. (See Dkt. No. 52.) That same day, the Court granted the Defendants’ request, staying the case through August 19, 2020, and adjourning the June 25, 2020 post-fact discovery conference. (See Dkt. No. 53.)

Since May 19, 2020, the Defendants have received an executed HIPAA Release from Plaintiff. In addition, Defense counsel was recently informed that the Health and Hospitals Corporation is able to begin devoting resources to the Defendants' investigation request concerning this matter. Thus, it appears that it is no longer necessary for discovery of this action to be stayed.

The parties recently conferred and agree to the following new deadlines for discovery:

Activity	Original Deadline	New Deadline
The date by which requests to admit shall be served by	May 22, 2020	<b>November 20, 2020</b>
The date by which depositions of fact witnesses shall be completed by	June 23, 2020	<b>December 21, 2020</b>
The date by which all fact discovery shall be completed by	June 23, 2020	<b>December 21, 2020</b>
The date by which all expert discovery, including reports, production of underlying documents, and depositions, shall be completed by	August 24, 2020	<b>February 22, 2021</b>

Accordingly, the Defendants respectfully seek the Court's endorsement of an updated briefing schedule, which is attached to the Defendants' instant submission, and contains the above new deadlines.

The Defendants thank the Court for its consideration.

Respectfully submitted,

/s/ Nicolette Pellegrino  
 Nicolette Pellegrino  
 Assistant Corporation Counsel  
 Special Federal Litigation Division

Encl.

CC: VIA FIRST CLASS MAIL  
 Gregory C. Douglas (18-R-2264)  
 Greene Correctional Facility  
 165 Plank Road  
 P.O. Box 975  
 Coxsackie, New York 12051-0975

Application GRANTED. The Court ORDERS that discovery resume in this action, in accordance with the Case Management Plan that the Court will endorse under separate cover.

Dated: August 19, 2020  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE

*A copy of this Order was mailed by Chambers to:*

Gregory C. Douglas  
18-R-2264  
Greene Correctional Facility  
165 Plank Rd.  
P.O. Box 975  
Coxsackie, NY 12051-0975